



**APPLICATION ACCEPTED:** January 7, 2014  
**DATE OF PUBLIC HEARING:** April 2, 2014 @ 9:00 A.M.

# County of Fairfax, Virginia

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**April 29, 2015**

## **STAFF REPORT**

### **SPECIAL PERMIT APPLICATION SPA 2008-MA-080**

#### **MASON DISTRICT**

**APPLICANT:** SNS 726 Corporation

**LOCATION:** 7137D Little River Turnpike, Annandale, 22003

**TAX MAP REFERENCE:** 71-1 ((1)) 116F

**LOT SIZE:** 36,500 square feet

**ZONING:** C-6, CRD, HC, SC

**PLAN MAP:** Commercial

**ZONING ORDINANCE PROVISION:** 8-501

**SP PROPOSAL:** Group 5 – To amend SP 2008-MA-080 previously approved for a commercial recreation use (karaoke) to permit a change in permittee.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of SPA 2008-MA-080 subject to approval of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*Casey V. Gresham*

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**Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service**

**Department of Planning and Zoning**  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

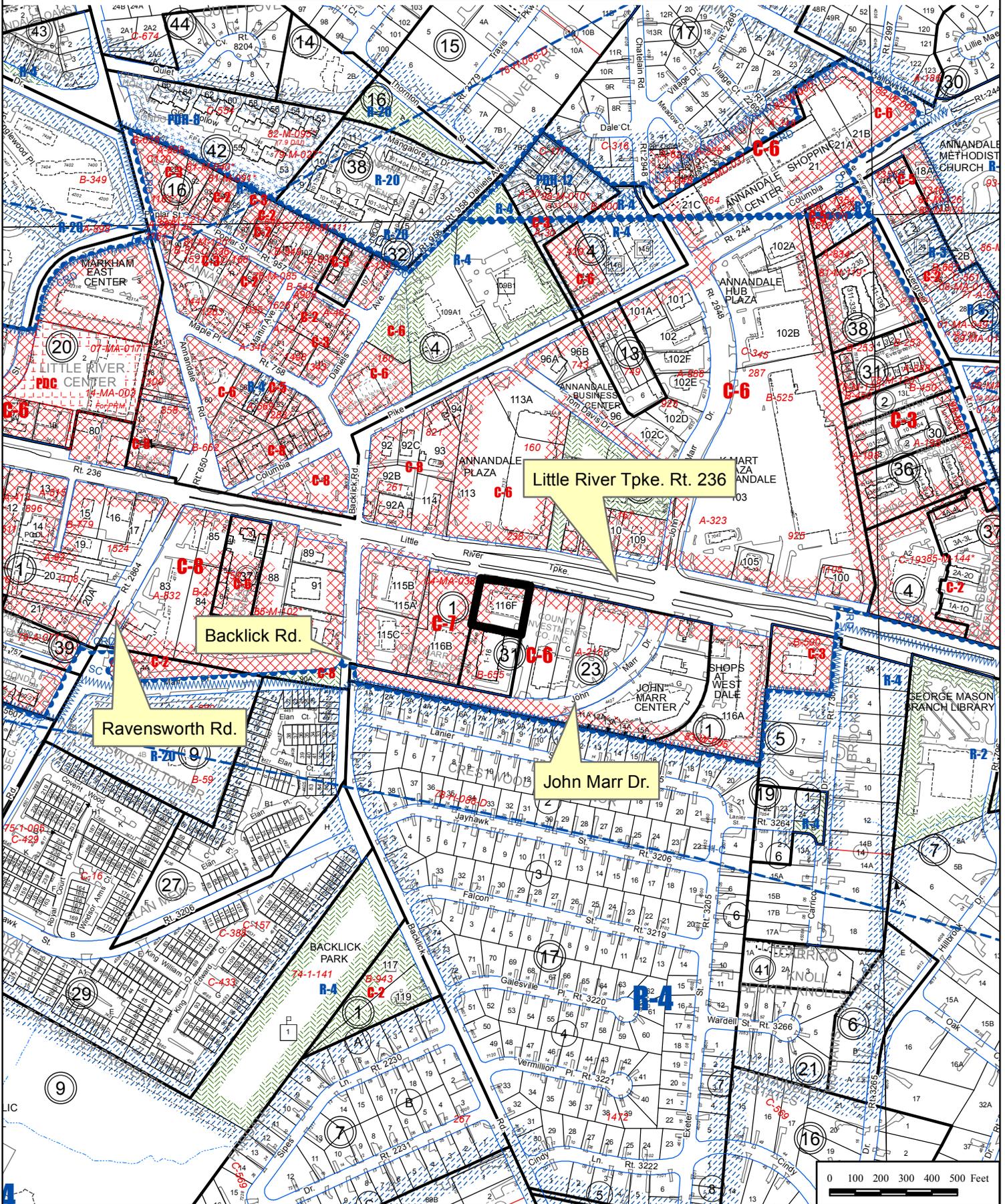
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit Amendment

SPA 2008-MA-080  
SNS 726 CORPORATION





## SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit amendment to amend SP 2008-MA-080 for a change in permittee to revise development condition #1 to allow the tenant to transfer permittee. The applicant requests the change from the previous applicant, YK & YP Corp. A/A ARA Restaurant, to SNS 726.

A copy of the special permit plat depicting the structures on site, "Existing Conditions Exhibit, 7137 Little River Turnpike," prepared by Charles F. Dunlap, L.S., of Walter L. Phillips, Inc., dated July 14, 2008, as revised through October 9, 2008, is included at the front of the staff report. The proposed conditions, the applicant's statement of justification and file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is developed with a one-story building totaling 10,160 square feet. Within this building, there are three non-residential uses in operation, including the ARA Restaurant, Lambros Goldsmith, and the Dolche & YU eating establishment. The ARA Restaurant storefront contains plat glass and a sign with the restaurant's logo.

The application property is located on a service drive that runs parallel to Little River Turnpike and is zoned C-6. The properties to the north, south, and east are also zoned C-6 and developed with commercial properties. The property to the west is zoned C-7 and also developed as a commercial use.



## BACKGROUND

According to Fairfax County Tax Records, the building was constructed in 1976 and totaled 5,660 square feet. In 2006, site plan 1784-SP-001-2 was approved, allowing a 4,500 square foot addition to the existing building. This addition was constructed in 2007, and three additional units were added to the site.

The applicant is currently operating under SP 2008-MA-080, which was approved on October 28, 2008. This application allows the use of seven private karaoke rooms totaling 871 square feet. Each room provides approximately four seats and space for karaoke equipment. The building space totals 4,557 square feet and includes fifty table seats, six bar seats, and a maximum of ten employees. A copy of the Resolution approved in conjunction with SP 2008-MA-080 is included in Appendix 4.

A Notice of Violation (NOV) was issued to the applicant on January 12, 2015 for violations of the Virginia Maintenance Code. A follow-up inspection was conducted by the Department of Code Compliance, and all previous violations had been cleared. A copy of this NOV is included as Appendix 5.

## DESCRIPTION OF THE PROPOSED USE

This application is solely for a change in permittee. All existing conditions, hours of operation, and site layout will remain unchanged. A condition has been included to transfer the tenant from YK & YP Corp. A/A ARA Restaurant, to SNS 726.

## ANALYSIS

### Comprehensive Plan Provisions

**Plan Area:** Area I, Annandale Planning District  
**Planning Sector:** Indian Run Community Planning Sector (A3)  
**Plan Map:** Commercial (Retail and Other)

### Zoning District Standards

Bulk Standards (C-6)		
Standard	Required	Provided
Lot Size	40,000 sf.	36,500 sf.*
Lot Width	200 feet	200 feet
Building Height	40 feet max.	15 feet
Front Yard	Min. 40 feet	57.2 feet
Side Yard	No Requirement	1 foot and 59.8 feet

<b>Bulk Standards (C-6)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Rear Yard	Min. 20 feet	50 feet
Parking Spaces	36 with 20% CRD Reduction	37

\*The subject parcel was created prior to the advent of the 1978 Zoning Ordinance; therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, buildable lot under the provisions of Sect. 2-405

### **Zoning Ordinance Requirements (Appendix 6)**

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-503* Standards for All Group 5 Uses

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 6. Subject to development conditions, this special permit must meet these standards.

### **CONCLUSION / RECOMMENDATION**

The request in this special permit is only for a change of permittee. The karaoke use conforms to the development conditions outlined in SP 2008-MA-080.

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions. Staff recommends approval of SPA 2008-MA-080 for the change in permittee with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

### **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification
3. Applicant's Affidavit

4. Resolution Approved in Conjunction with SP 2008-MA-080
5. Notice of Violation, dated January 12, 2015
6. Applicable Zoning Ordinance Provisions

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**PROPOSED DEVELOPMENT CONDITIONS****SPA 2008-MA-080****April 29, 2015**

If it is the intent of the Board of Zoning Appeals to approve SPA 2008-MA-080 located on property described as Tax Map 71-1 ((1)) 116F to amend SP 2008-MA-080 previously approved for a commercial recreation use (karaoke) to permit a change in permittee pursuant to Section 8-501 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Previously approved development conditions have been carried forward and marked with an asterisk (\*). Minor changes in wording have been underlined.

1. This approval is granted to the applicant, SNS 726 Corporation, only and is not transferable without further action of this Board, and is for the location indicated on the application, 7137 D Little River Turnpike, and is not transferable to other land.\*
2. This special permit is granted only for the purpose(s), structure(s), and/or use(s) indicated on the special permit plat prepared by Walter L. Phillips Inc. dated July 14, 2008, revised through October 9, 2008 and approved with this application, as qualified by these development conditions.\*
3. A copy of this special permit and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.\*
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.\*
5. Prior to the issuance of a Non-RUP for the Commercial Recreation Use (karaoke) the applicant shall obtain approval from the Board of Supervisors for a 20% parking reduction in accordance with Section A7-109 of the Zoning Ordinance. If the approval of a parking reduction is not reduced to meet the parking obtained, the number of seats in the restaurant and/or the number of karaoke rooms shall be requirements of the site as determined by DPWES. \*
6. The Commercial Recreation Use (karaoke) is limited to a maximum of seven rooms totaling 871 square feet in area as delineated on floor plan "A-1" prepared by MKK Architects, dated November 20, 2006, included as Attachment 1,

notwithstanding that the maximum number of barstools shall be 6. \*

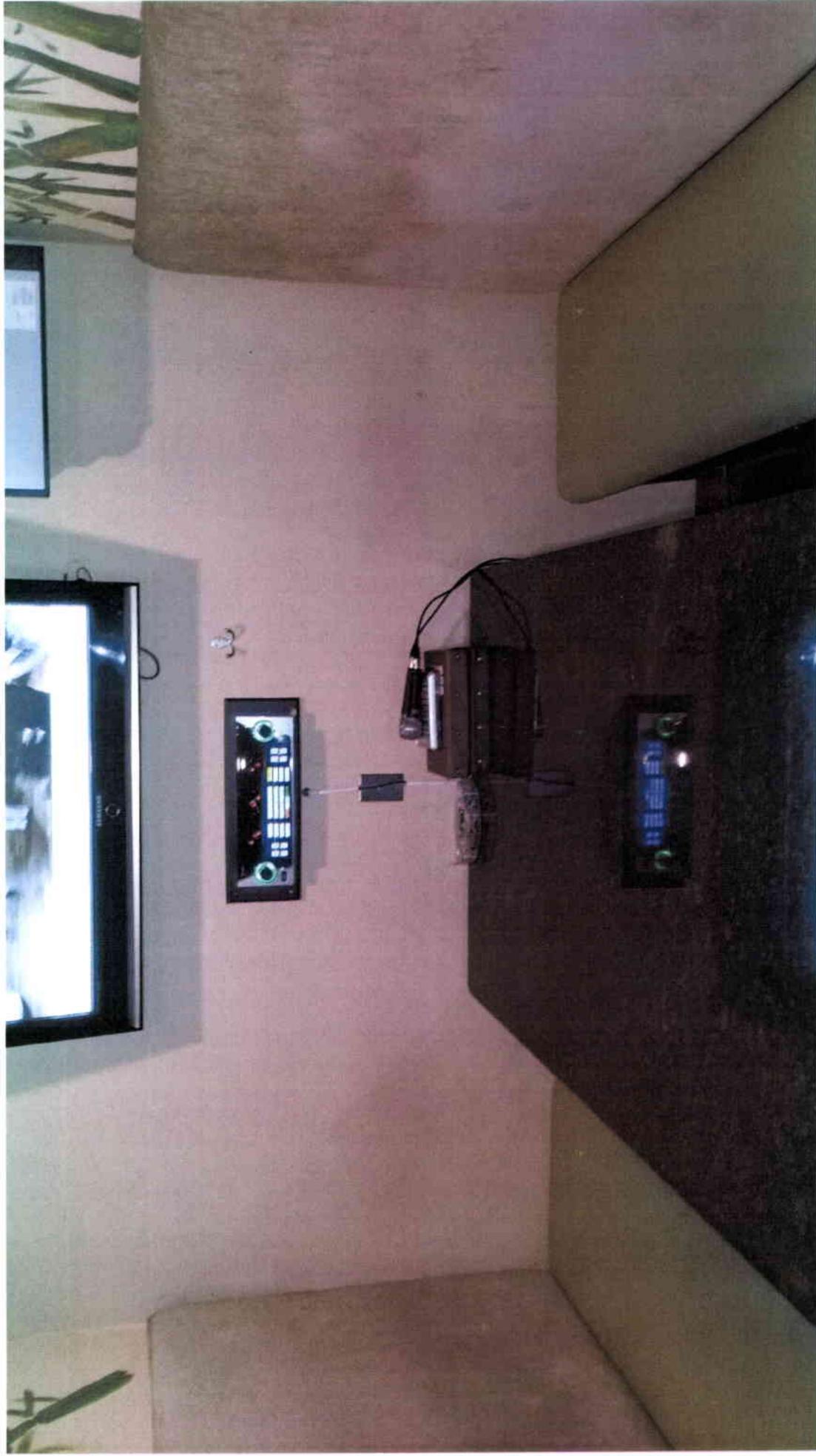
7. The maximum number of seats at restaurant tables shall be 50, and the maximum number of bar stools shall be 6 as noted on the special permit plat. \*
8. No further additions or expansion to the karaoke rooms or eating establishment shall be permitted without approval of an amendment to the special permit. \*
9. Any signage erected on the building shall be of a size and materials which are compatible with existing signage for the project site as determined by DPZ, and shall be subject to the requirements of Article 12 of the Zoning Ordinance.\*

These conditions incorporate and supersede all previous conditions.

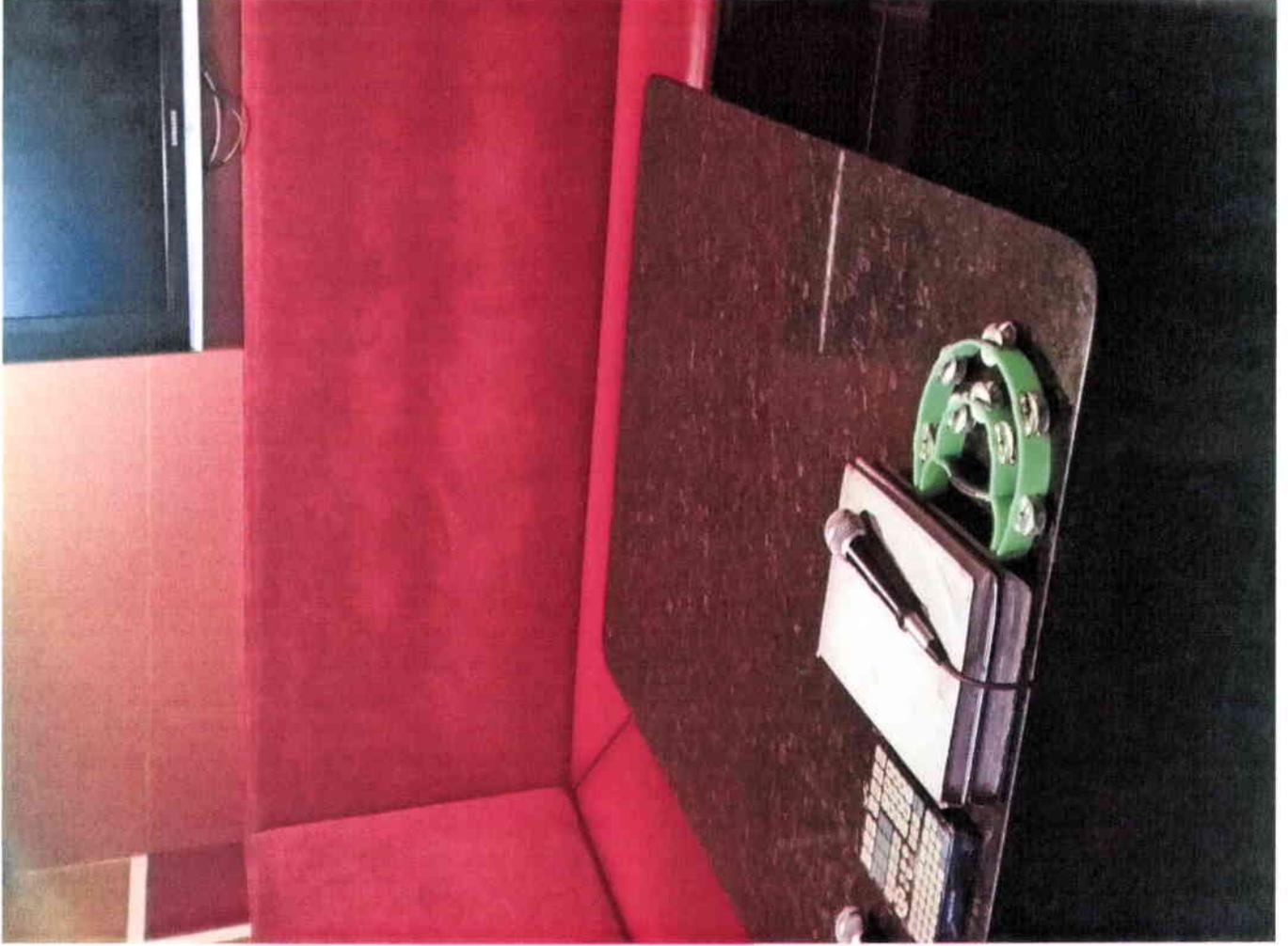
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months (6) months after the date of approval unless a new Non-Residential Use Permit (Non-RUP) has been obtained. The Board of Zoning Appeals may grant additional time to obtain a Non-RUP if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

14. KARAOKE 6



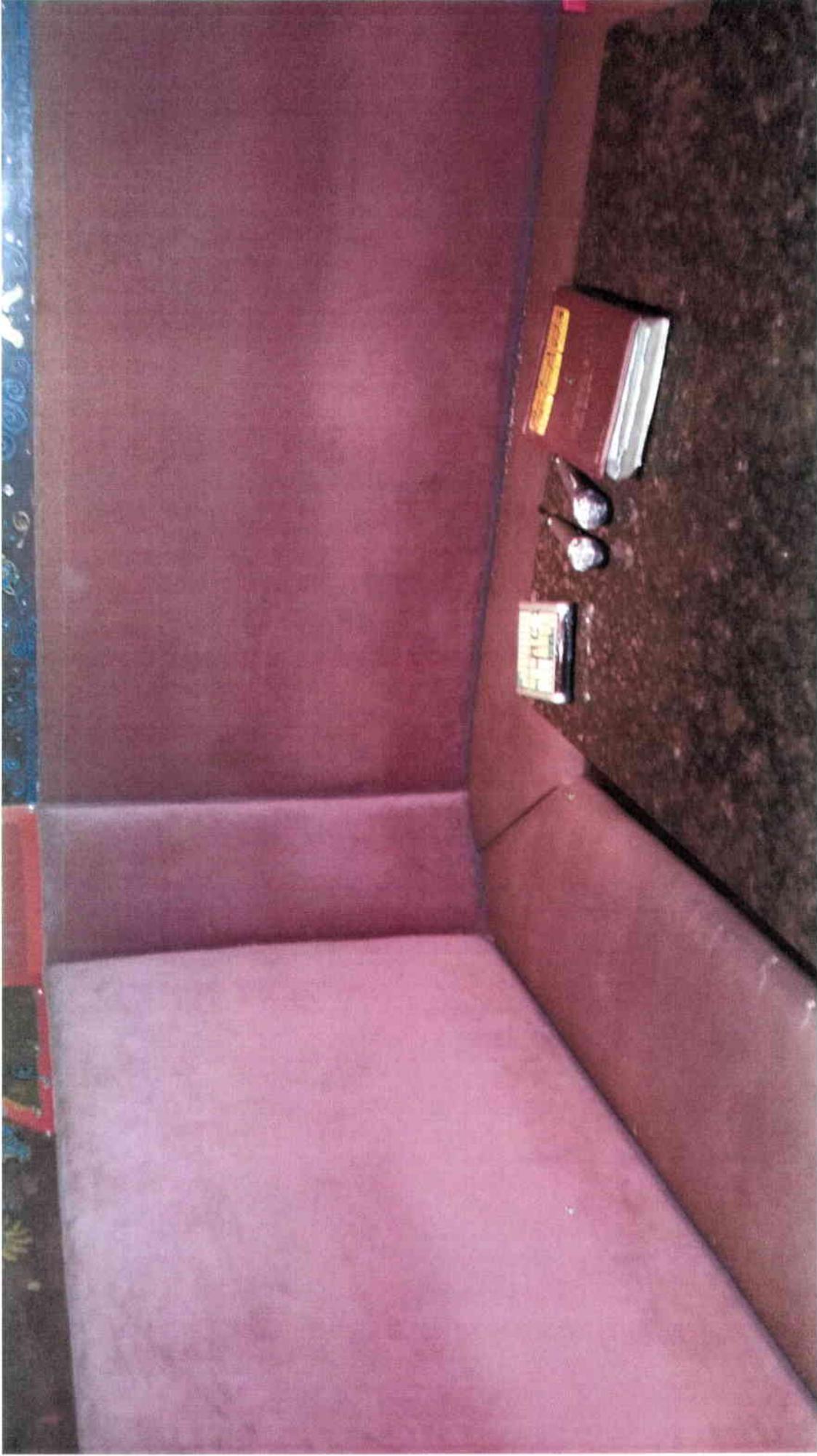
13. KARAOKE 5



12. KARAOKE 4



11. KARAOKE 3



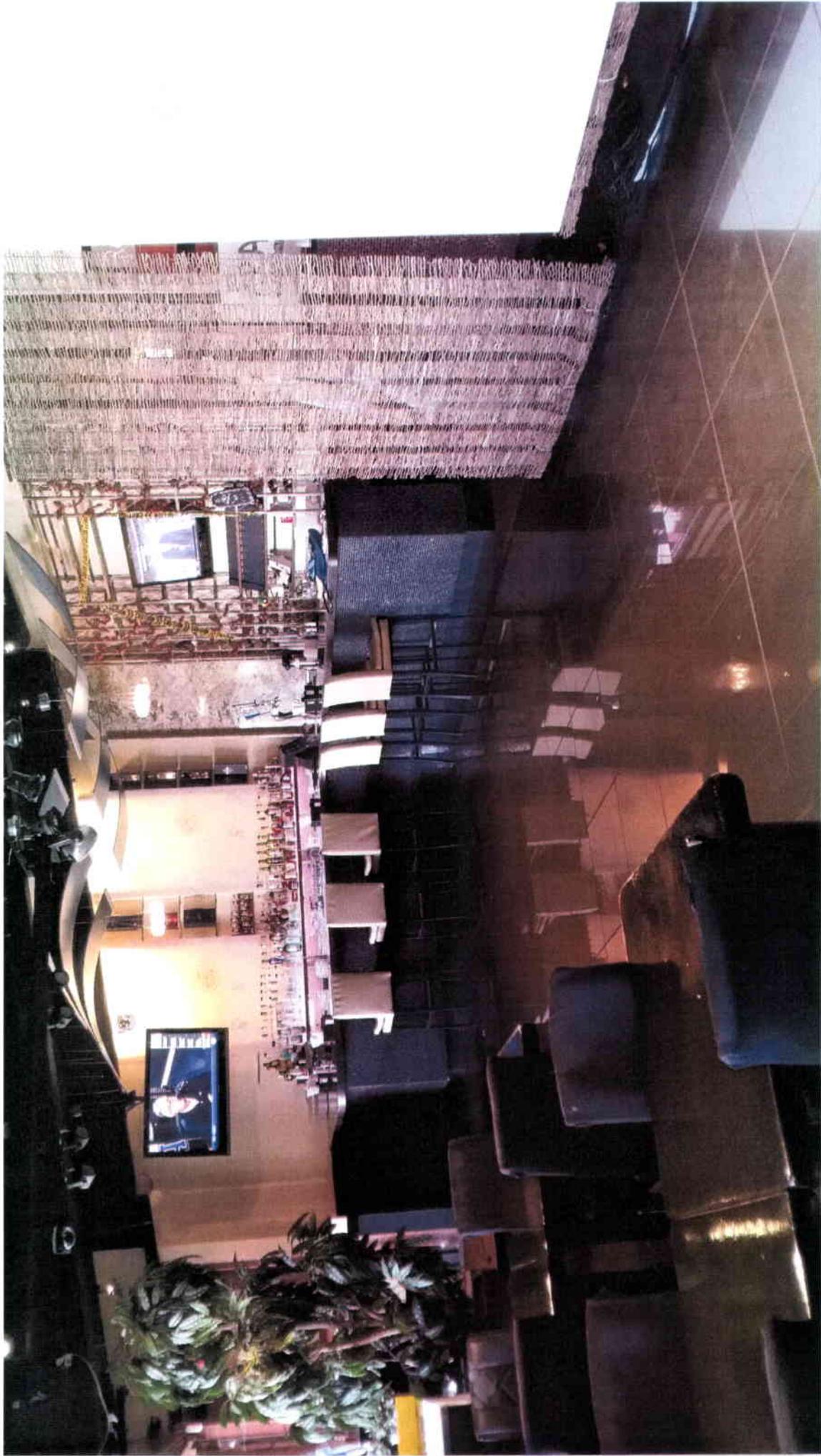
10. KARAOKE 2



9. KARAOKE 1



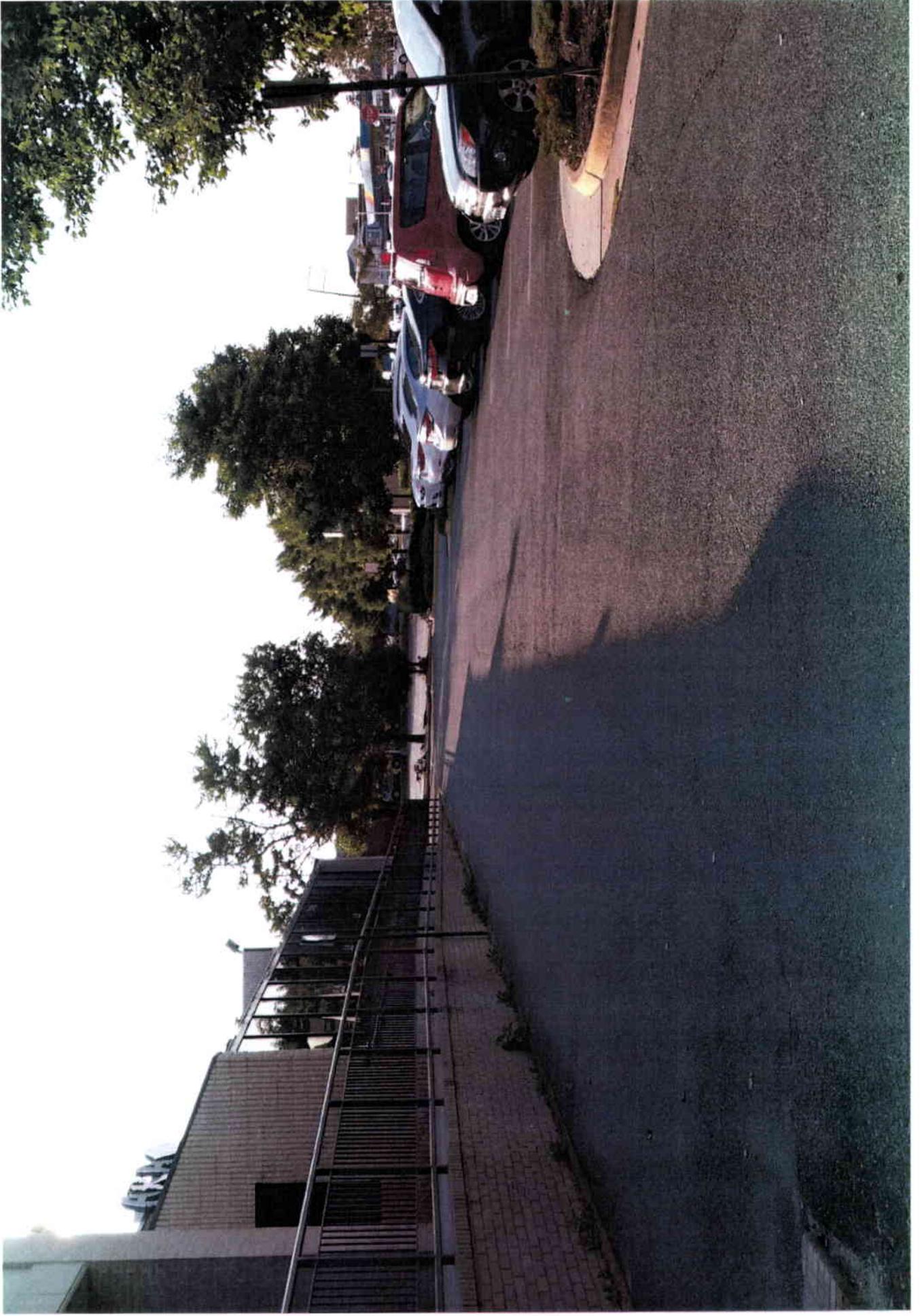
6. DINE AREA(3)



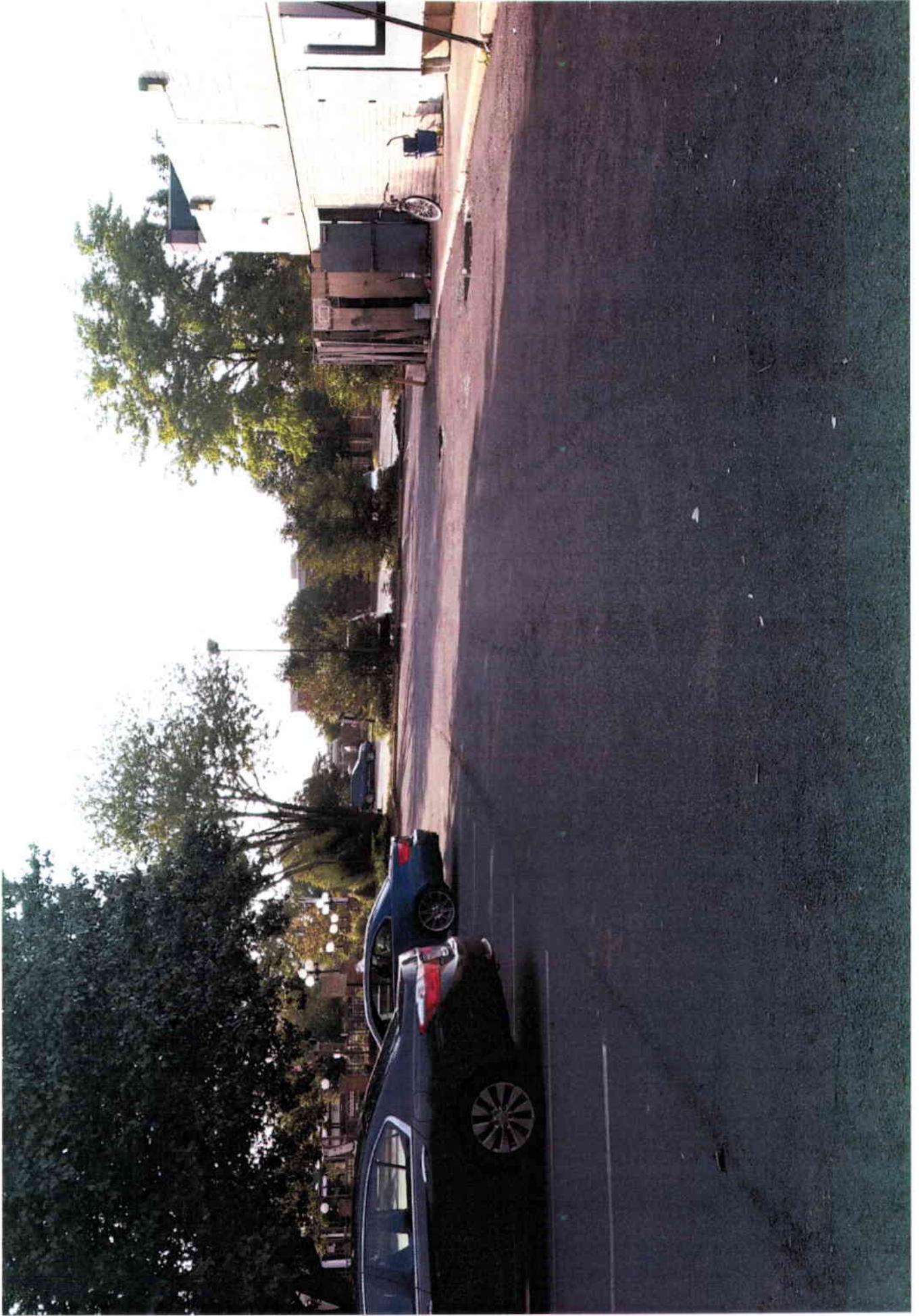
4. DINE AREA (1)



3. FRONT YARD



2. REAR YARD



Application No.(s): SPA 2008 - MA-080  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 12, 2015  
(enter date affidavit is notarized)

128105

I, Keith C. Martin, Agent, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)       applicant  
                          applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
SNS 726 Corporation	7137-D Little River Turnpike Annandale, VA 22003	Applicant/Lessee
Hyun S. Roh		Agent
LamJam, L.L.C.	7137 Little River Turnpike Annandale, VA 22003	Title Owner/Lessor
Lambros M. Magiafas		Agent
Tramonte, Yeonas, Roberts & Martin PLLC Keith C. Martin	8245 Boone Blvd #400 Vienna, VA 22182	Attorneys/Agents Attorney/Agent

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SPA 2008-MA-080  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 12, 2015  
(enter date affidavit is notarized)

128105

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
SNS726 Corporation  
7137-D Little River Turnpike  
Annandale, VA 22003

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Hyun S. Roh

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SPA 2008-MA-080  
(county-assigned application number(s), to be entered by County Staff)

Page 2 of 2

**Special Permit/Variance Attachment to Par. 1(b)**

DATE: January 12, 2015  
(enter date affidavit is notarized)

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
LamJam, L.L.C.  
7137 Little River Turnpike  
Annandale, VA 22003

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Lambros M. Magiafas

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Tramonte, Yeonas, Roberts & Martin PLLC  
8245 Boone Blvd #400  
Vienna, VA 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Vincent A. Tramonte II  
George P. Yeonas  
Jill J. Roberts  
Keith C. Martin

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(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): SPA - 2008-MA-080  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 12, 2015  
(enter date affidavit is notarized)

128105

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SPA 2008-MA-080  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 12, 2015  
(enter date affidavit is notarized)

128105

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)  
None.

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SPA 2008-MA-080  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 12, 2015  
(enter date affidavit is notarized)

128105

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)  
None.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) [ ] Applicant [x] Applicant's Authorized Agent

Keith C. Martin, Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12th day of January 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Caitlin Zuber  
Notary Public

My commission expires: 2/28/17





# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

October 31, 2008

Keith C. Martin  
Sack Harris & Martin, P.C.  
8270 Greensboro Drive, Suite 810  
McLean, Virginia 22102

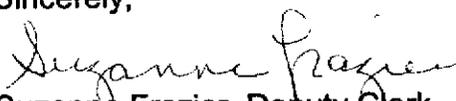
Re: Special Permit Application SP 2008-MA-080  
YK & KP Corp. T/A ARA Restaurant

Dear Mr. Martin:

At its October 28, 2008 meeting, the Board of Zoning Appeals took action to **APPROVE** the above-referenced application. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

Enclosure: As stated

Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1280  
FAX 703 324-1207  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



**COUNTY OF FAIRFAX, VIRGINIA**

**SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS**

YK & KP CORP. T/A ARA RESTAURANT, SP 2008-MA-080 Appl. under Sect(s). 4-603 of the Zoning Ordinance to permit a commercial recreation use (karaoke). Located at 7137D Little River Trpk. on approx. 36,500 sq. ft. of land zoned C-6, CRD, HC and SC. Mason District. Tax Map 71-1 ((1)) 116F. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 28, 2008; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 7137 D Little River Turnpike, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s), and/or use(s) indicated on the special permit plat prepared by Walter L. Phillips Inc. dated July 14, 2008, revised through October 9, 2008 and approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit **SHALL BE POSTED** in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. Prior to the issuance of a Non-RUP for the Commercial Recreation Use (karaoke) the applicant shall obtain approval from the Board of Supervisors for a 20% parking reduction in accordance with Section A7-109 of the Zoning Ordinance. If the approval of a parking reduction is not

obtained, the number of seats in the restaurant and/or the number of karaoke rooms shall be reduced to meet the parking requirements of the site as determined by DPWES.

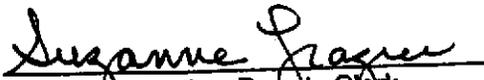
6. The Commercial Recreation Use (karaoke) is limited to a maximum of seven rooms totaling 871 square feet in area as delineated on floor plan "A-1" prepared by MKK Architects, dated November 20, 2006, included as Attachment 1, notwithstanding that the maximum number of barstools shall be 6.
7. The maximum number of seats at restaurant tables shall be 50, and the maximum number of bar stools shall be 6 as noted on the special permit plat.
8. No further additions or expansion to the karaoke rooms or eating establishment shall be permitted without approval of an amendment to the special permit.
9. Any signage erected on the building shall be of a size and materials which are compatible with existing signage for the project site as determined by DPZ, and shall be subject to the requirements of Article 12 of the Zoning Ordinance.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless a new Non-Rup has been obtained. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals



# County of Fairfax, Virginia

Cagle

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 13, 2010

Keith C. Martin  
Tramonte, Yeonas & Roberts, P.C.  
8221 Old Courthouse Road, Suite 300  
Vienna, VA 22182

Re: Special Permit SP 2008-MA-080 – YK & KP Corp., T/A ARA Restaurant  
7137D Little River Turnpike  
Tax Map Ref: 71-1 ((1)) 116F  
Zoning Districts: C-6, CRD, SC, & HC

Dear Mr. Martin:

A review of the above-referenced special permit indicates that the Board of Zoning Appeals (BZA) adopted SP 2008-MA-080 to permit a commercial recreation use (karaoke) within an existing eating establishment. To date, though we find a Non-Residential Use Permit (Non-RUP) for an eating establishment, our records find no evidence that Non-RUP has been obtained for the commercial recreation use. In accordance with Sect. 8-015 of the Zoning Ordinance, the above-referenced special permit was to expire, without notice, thirty (30) months after the date of approval unless the use had been established. Based on the approval date of October 28, 2008 by the BZA, the special permit was due to expire, without notice, on April 28, 2011.

Please be advised that on March 27, 2009 the Virginia General Assembly adopted Senate Bill 1533 which added a new § 15.2-2288.4 to the *Code of Virginia* which states, in pertinent part, the following:

Notwithstanding any other provision of law, any special use permit that was valid and outstanding as of January 1, 2009, is extended to July 1, 2011, regardless of whether such expiration or schedule exists by operation of statute, proffer, permit, local ordinance, or local custom. Nothing in this section shall impair the ability of any person to apply for additional extensions of time beyond the period specified in this section where permitted by other law.

Given that SP 2008-MA-080 was valid and outstanding on January 1, 2009, § 15.2-2288.4 is applicable. As such, the applicant has until July 1, 2011 in which to establish the use. Therefore, at this time, no additional action is required by the BZA.

**COPY**

# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

RECEIVED  
Department of Planning & Zoning

FEB 10 2015  
Zoning Evaluation Division

## NOTICE OF VIOLATION Virginia Maintenance Code

**DATE OF ISSUANCE:** January 12, 2015

**METHOD OF SERVICE:** CERTIFIED MAIL # 7014 2120 0003 1034 4534

**LEGAL NOTICE ISSUED TO:** SNS 726 Corporation dba ARA Restaurant (Tenant)  
c/o Your Choi's Inc., Registered Agent

**ADDRESS:** 4308-I Evergreen Lane  
Annandale, VA 22003

**LOCATION OF VIOLATION:** 7137 Little River Turnpike (ARA Restaurant)  
Annandale, Virginia 22003-3303

**TAX MAP REF:** 0711 01 0116F

**CASE #:** 201307715 **SR #:** 112495

**ISSUING INVESTIGATOR:** W. B. Moncure, (703)324-1335

### POTENTIAL CIVIL PENALTIES PURSUANT TO FAIRFAX COUNTY

CODE § 61-7-1(B):	Maintenance Code Violation(s)	First Offense	Each Subsequent Offense
	§ VMC304.10	\$ 100.00	\$ 150.00
	§ VMC305.1	\$ 100.00	\$ 150.00
	§ VMC504.1	\$ 100.00	\$ 150.00
	§ VMC505.4	\$ 100.00	\$ 150.00
	§ VMC605.1	\$ 100.00	\$ 150.00
	§ VMC702.1	\$ 100.00	\$ 150.00
<b>TOTAL:</b>		<b>\$ 600.00</b>	<b>\$ 900.00</b>

Dear Responsible Party:

In accordance with the Virginia Maintenance Code (Part III of the Uniform Statewide Building Code-2012 Edition), an inspection on December 30, 2014 revealed violations as listed below at the referenced location. The cited violations must be corrected within **30 days** from receipt of this notice unless otherwise indicated.

SNS 726 Corporation dba ARA Restaurant (Tenant)  
c/o Your Choi's Inc., Registered Agent  
January 12, 2015  
SR 112495  
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**Violation: STAIRWAYS, DECKS, PORCHES, BALCONY VMC 304.10.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**Location of Violation:** 7137 Little River Turnpike (ARA Restaurant)

**Work to be Performed:** Repair or replace damaged floor surface in kitchen area to avoid trip hazard in order to be in substantial conformance with VMC 304.10.

**Violation: INTERIOR STRUCTURE GENERAL VMC 305.1.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**Location of Violation:** 7137 Little River Turnpike (ARA Restaurant)

**Work to be Performed:** Repair all holes in walls and ceiling and maintain sanitary surfaces in kitchen area in order to be in substantial conformance with VMC 305.1.

**Violation: PLUMBING SYSTEMS/FIXTURES GENERAL VMC 504.1.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**Location of Violation:** 7137 Little River Turnpike (ARA Restaurant)

**Work to be Performed:** Repair or replace all linking traps in kitchen area in order to be in substantial conformance with VMC 504.1.

**Violation: WATER HEATING FACILITIES VMC 505.4.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43C). A gas burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**Location of Violation:** 7137 Little River Turnpike (ARA Restaurant)

SNS 726 Corporation dba ARA Restaurant (Tenant)  
c/o Your Choi's Inc., Registered Agent  
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**Work to be Performed:** Remove all combustibles from area around the water heater and maintain air exchange in order to be in substantial conformance with VMC 505.4.

**Violation: INSTALLATION VMC 605.1.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**Location of Violation:** 7137 Little River Turnpike (ARA Restaurant)

**Work to be Performed:** Remove all extension cords in use throughout structure in order to be in substantial conformance with VMC 605.1.

**Violation: MEANS OF EGRESS GENERAL VMC 702.1.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

**Location of Violation:** 7137 Little River Turnpike (ARA Restaurant)

**Work to be Performed:** Remove all obstructions to immediate access to the rear emergency exit in order to be in substantial conformance with VMC 702.1.

All repairs, alterations, and/or additions must be made in accordance with applicable laws. Any additional violations that may appear as work progresses will require correction.

Information about obtaining any necessary permits required by other Fairfax County agencies may be obtained by calling (703)222-0801 and requesting the appropriate department. The owner of a building or structure, or the owner's agent or any other person involved in the use of the subject building or structure may appeal a decision of the Code Official concerning the application of the Virginia Maintenance Code to such building or structure and may also appeal a refusal by the Code Official to grant a modification to the provisions of this code pertaining to such building or structure. Applications for appeals shall be submitted in writing to the Fairfax County Board of Building and Fire Prevention Code Appeals within 14 calendar days of the decision being appealed. Appeal application forms may be obtained by contacting:

Fairfax County Board of Building and Fire Prevention Code Appeals  
Attention: Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals  
Department of Public Works and Environmental Services  
12055 Government Center Parkway, Suite 444  
Fairfax, VA 22035-5504  
Phone: (703)324-1780

SNS 726 Corporation dba ARA Restaurant (Tenant)  
c/o Your Choi's Inc., Registered Agent  
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Information and forms can also be obtained at:  
[http://www.fairfaxcounty.gov/dpwes/publications/codemods\\_appeals.htm](http://www.fairfaxcounty.gov/dpwes/publications/codemods_appeals.htm)

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the Code Official's decision.

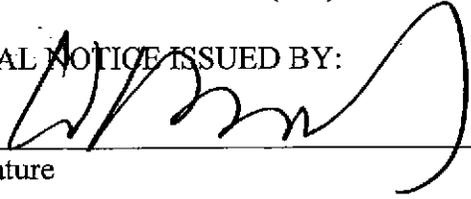
The Fairfax County Board of Building and Fire Prevention Code Appeals shall meet within 30 calendar days after the date of receipt of the application for appeal.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Virginia Maintenance Code which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$100.00 for each violation cited herein for the first violation and \$150.00 for each subsequent violation cited herein per day totaling up to \$4,000.00 in accordance with Fairfax County Code § 61-7-1(B).

In accordance with the code, the owner or person to whom this notice of violation has been issued is responsible for contacting me within the time frame established for any re-inspections to assure the violations have been corrected.

If you have any questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1335. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

  
\_\_\_\_\_  
Signature

W. B. Moncure  
Code Compliance Investigator  
(703)324-1335  
Chip.Moncure@fairfaxcounty.gov

### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-503 Standards for all Group 5 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 5 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
3. No building designed primarily and specifically for such use shall be located within 100 feet of any adjoining property which is in an R district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.